

**BOARD OF APPEALS CASE NO. 5093**

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**BEFORE THE**

**APPLICANT: Carol Konkle**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct a patio enclosure within the rear yard setback; 1840 Prindle Drive, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 10/11/00 & 10/18/00**

**HEARING DATE: November 27, 2000**

**Record: 10/13/00 & 10/20/00**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Carol Konkle, is requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to construct a patio enclosure within the required 40 foot rear yard setback (34 feet proposed) in an R2/Urban Residential District.

The subject parcel is located at 1840 Prindle Drive, Bel Air, Maryland 21015, is within the subdivision of Green Ridge II and is more particularly identified on Tax Map 41, Grid 4F, Parcel 655, Lot 750. The parcel consists of 0.32 acres, is zoned R2/Urban Residential District and is entirely within the Third Election District.

The Applicant, Carol Ann Konkle, appeared and testified that she intends to convert and existing deck into an attached sun room at the rear of her home. There are several other homes in her neighborhood that have converted outdoor decks to interior living space in this manner. Her property is a corner lot and is subject to two front yard setbacks. The house is located on a cul-de-sac which causes the rear setback to curve around the property further reducing useable building area. The Applicant agreed with the findings and recommendations of the Department of Planning and Zoning which found the property to be unique and recommended approval.

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Mr. Terry Hunt appeared and testified that his company has been contracted to build the enclosure. Plans call for use of the existing deck area which is 16 feet by 16 feet in dimensions. The sun room will actually be smaller than the existing deck, measuring 12 feet by 12 feet when completed. The witness stated that enclosures similar to the proposed sun room was commonly found in this neighborhood and throughout Harford County. What makes this request unusual is the curving setback line which reduces useable area of the lot. The witness did not think any adverse impacts would result if the sun room were constructed. Mr. Hunt made it clear that no addition could be added to the rear of the house given the setback restrictions without a variance.

The Department of Planning and Zoning recommends approval of the application. There were no protestants who appeared in opposition to this request.

### **CONCLUSION:**

The Applicant intends to convert and existing 16 x 16 foot deck into a 12 x 12 foot sun room. In order to do this she needs a 6 foot variance from the provisions of Section 267-36B, Table V, of the Harford County Code, which requires a 40 foot rear yard setback in an R2 zone.

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

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The Hearing Examiner agrees with the witnesses that this property is unique. It is a corner lot subjected to two front yard setbacks. Additionally, it is a cul-de-sac location which creates a curved rear yard property line. In combination, these factors severely limit useable space on this lot. The sun room will actually be smaller than the existing deck so approval will result in less of an encroachment into the setback than the existing structure. No adverse impact should result from a grant of the request nor is it anticipated that the purposes of the Code would be materially impaired.

The Hearing Examiner recommends approval of the request subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date    DECEMBER 19, 2000

William F. Casey  
Zoning Hearing Examiner